



BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

AGENDA

Monday, August 04, 2008

*Commissioner David Lillard, Chairman
Commissioner Deidre Malone, Chairman Pro Tempore
Commissioner Joyce Avery
Commissioner Henri E. Brooks
Commissioner Wyatt Bunker
Commissioner Mike Carpenter
Commissioner Sidney Chism*

*Commissioner George Flinn
Commissioner Joe Ford
Commissioner J.W. Gibson II
Commissioner James Harvey
Commissioner Steve Mulroy
Commissioner Mike Ritz*

4/8/2010 9:24 AM

1:30 PM

COMMISSION CONVENES

CALL TO ORDER

Chairman David Lillard

OPENING OF THE COMMISSION

Deputy Sheriff

INVOCATION

**Reverend Wade Bryant
Monumental Baptist Church**

PLEDGE OF ALLEGIANCE

ROLL CALL

**Approval of Minutes of Previous Session
June 2, 2008**

CONSENT AGENDA

Resolutions of Memorial, Sympathy and Commendation

Ordinances

FORD

Chairman, General Government Committee

1. [ORDINANCE- SECOND READING - an Ordinance to amend the Shelby County Code of Ordinances, Chapter 2, Article II, Section 2-57 relative to the purchase, sale, or exchange of materials, supplies, commodities, equipment and real estate from, to or with any federal, state or local governmental entity. Sponsored jointly by Commissioners Joe Ford and Mike Carpenter.](#)

Zoning and Subdivisions

Reports and/or Resolutions for Standing Committees

RITZ

Public Works Committee

2. [A resolution approving an agreement with Spring Creek Ranch, LLC and an expenditure of funds in the amount of \\$98,400.00 for the rights to connect the proposed Cotton Creek Area Sewer system to the Spring Creek Ranch Pump Station for transportation of the wastewater to the Town of Collierville publicly owned treatment works and this item requires an expenditure of County CIP Funds in the amount of \\$98,400.00. Sponsored by Commissioner Wyatt Bunker. \(DEFERRED TO 8/18/08\)](#)

RITZ
Public Works Committee

3. A resolution approving an amendment to the contract with AFRAM Corporation in the amount of \$133,112.20 for the design of a low pressure sewer system in the Cotton Creek Area and this item requires an expenditure of County CIP Funds in the amount of \$133,112.20. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 8/18/08)

RITZ
Public Works Committee

4. A resolution approving an agreement with the Town of Collierville to treat the wastewater from the Cotton Creek Area. Sponsored by Commissioner Wyatt Bunker. (DEFERRED TO 8/18/08)

CHISM
Chairman, Law Enforcement Committee

5. Resolution amending the FY09 Budget for Federal through State Grant Funds for the Staying HOME Program from the State Office of Criminal Justice Programs. This resolution allows the expenditure of Grant Funds in the amount of \$70,378.00. Sponsored by Commissioner Sidney Chism.

CHISM
Chairman, Law Enforcement Committee

6. Resolution amending the FY08 and FY09 budgets for Federal Grant Funds for the Fatherhood 5 Program from the U S Department of Health and Human Services. This resolution allows the expenditure of \$101,108.00 from the Fatherhood 5 Grant Fund and \$10,261.00 from the Corrections Fund. Sponsored by Commissioner Sidney Chism.

CHISM
Chairman, Law Enforcement Committee

7. A resolution approving the award of sealed bid #1001385 to Dick Diggons Body Works, Inc. for the expenditure of funds not to exceed the amount of \$130,000.00 for automotive body repairs of fleet vehicles in the Shelby County Sheriff's office and this item requires the expenditure of County General Funds not to exceed the amount of \$130,000.00. Sponsored by Commissioner Sidney Chism. (Deferred to 8/18/08)

CHISM
Chairman, Law Enforcement Committee

8. Resolution approving a contract with Swanson Services Corporation in the amount of \$1,881,600.00 for fiduciary management services for the Shelby County Jail and this requires the expenditure of County General Funds in the amount of \$1,881,600.00. Sponsored by Commissioner Sidney Chism.

CARPENTER

Economic Development
Committee

9. Resolution approving agreement for Payment In Lieu of Taxes for Bearman Golden Gardens, Inc. a Tennessee Not-for -profit corporation, pursuant to Tennessee Code Annotated 67-5-207, et. seq. Sponsored by Commissioner Deidre Malone. (Deferred to 8/18/08)

RITZ

Community Services Committee

10. A RESOLUTION amending the FY09 budget in the amount of \$1,891,424.00 to allow maximum expenditure of grant funds from the 2005 and 2007 Edward Byrne Memorial Justice Assistance Grants, the U. S. Department of Housing and Urban Development Continuum of Care grant, the U. S Department of Justice Targeting Violent Crime grant, and the State of Tennessee Community Enhancement grants, all previously approved by the Shelby County Board of Commissioners. This item requires expenditure of grant funds in the amount of \$1,891,424.00. Sponsored by Commissioner George Flinn.

FORD

Chairman, General Government
Committee

11. Resolution eliminating pay for unused sick leave at retirement for new employees. Sponsored by Commissioner Sidney Chism. (WITHDRAWN IN COMMITTEE 7/30/08)

MULROY

Chairman, Legislative
Committee

12. Resolution amending agreement dated October 29, 2007, by and between Shelby County Government and The Ferguson Group, LLC for the purpose of providing consultant services for federal initiatives including but not limited to homeland security, law enforcement, MPO/transportation, energy and water and economic development for the period July 1, 2008 through June 30, 2009 in the amount of \$106,200.00. This item requires expenditure of County general funds in the amount of \$106,200.00. Sponsored by Commissioner Steve Mulroy.

MULROY

Chairman, Legislative
Committee

13. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the County Mayor's Administration to provide regular updates regarding state legislation requested by any board, agency, or commission that have members appointed by the Board of County Commissioners. Sponsored by Commissioner Mike Ritz. (Amended in Committee 7/30/08)

MULROY

Delinquent Tax Property
Committee

14. [Resolution approving the sale of ELEVEN Delinquent Tax Parcels totaling \\$103,500 from Tax Sale \(s\) 82.2, 0102, 0103, 0201, 0205, 0302, and 0304 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.](#)

MULROY

Delinquent Tax Property
Committee

15. [Resolution approving the sale of Fifteen Delinquent Tax Parcels totaling \\$63,600.00 from Tax Sale \(s\) 50, 55, 83.1, 96.2, 0204, 0205, and 0206 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.](#)

MULROY

Delinquent Tax Property
Committee

16. [Resolution approving the sale of sixteen Delinquent Tax Parcels totaling \\$75,300.00 from Tax Sale \(s\) 005, 92.1, 98.2, 0105, 0106, 0201, 0203, 0204, 0205, 0301, and 0305 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.](#)

MULROY

Delinquent Tax Property
Committee

17. [Resolution approving the sale of thirteen Delinquent Tax Parcels totaling \\$139,600.00 from Tax Sale \(s\) 005, 93.1A, 201, 203, 205, 206, 305 and 306 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II.](#)

R E G U L A R A G E N D A

Elections, Appointments, and Confirmations

FORD

Chairman, General Government
Committee

18. [Resolution Approving the County Mayor's Nomination of Gale Kennebrew for Appointment to the Shelby County Ethics Commission. Sponsored by Commissioner Henri E. Brooks.](#)

Ordinances

Zoning and Subdivisions

RITZ

Chairman, Land Use Committee

19. [CASE NO. S.U.P. 08-207 CC](#)
APPLICANT: Global Tower, LLC
LOCATION: North side of Independence Road; +/- 250 feet east of Woodstock-Cuba Road
REQUEST: Special use permit for 195-foot CMCS monopole cell tower
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, July 7, 2008).
(AMENDED IN COMMITTEE 7/30/08)

RITZ

Chairman, Land Use Committee

20. [CASE NO. S.U.P. 08-205 CC](#)
APPLICANT: Collierville First Baptist Church
LOCATION: West side of Collierville-Arlington Road; +/-5,600 feet south of Macon Road
REQUEST: Special Use Permit to allow recreational and sports field lighting
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control Board:
APPROVAL WITH CONDITIONS
(Notice of public hearing published in the Daily News on Friday, July 25, 2008 and notice letters sent to interested property owners)

RITZ

Chairman, Land Use Committee

21. CASE NO. P.D. 08-309 CC

APPLICANT: Big Creek Golf, LLC

LOCATION: East side of Big Creek Drainage Canal;
south side of Woodstock Cuba Road

REQUEST: Planned development to allow for a
site plan review and development phases of an
existing golf course and a new clubhouse and
other accessory facilities

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and
Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control
Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily
News on Friday, July 25, 2008).

RITZ

Chairman, Land Use Committee

22. CASE NO. P.D. 08-313 CC

APPLICANT: Dr. Neal & Susan Aguillard

LOCATION: South side of Fite Road; +800.6 feet
east of North Watkins Street

REQUEST: Planned development to permit the
customizing, repairing, brokering, and
manufacturing of antique, sporting and collectible
firearms and their parts and accessories

RECOMMENDATIONS:

Memphis and Shelby County Office of Planning and
Development:

APPROVAL WITH CONDITIONS

Memphis and Shelby County Land Use Control
Board:

APPROVAL WITH CONDITIONS

(Notice of public hearing published in the Daily
News on Friday, July 25, 2008).

RITZ

Chairman, Land Use Committee

23. [CASE NO. S.U.P. 08-214 CC](#)
APPLICANT: Crown Castle, Inc.
LOCATION: +/-370 feet south of Dexter Road and
+/-490 feet west of Appling Road
REQUEST: Special Use Permit to extend existing
150-foot cell tower (CMCS) to 165 feet
RECOMMENDATIONS:
Memphis and Shelby County Office of Planning and
Development:
APPROVAL WITH CONDITIONS
Memphis and Shelby County Land Use Control
Board:
APPROVAL WITH CONDITIONS
(No notice of public hearing or notice letters to
interested property owners required since there
was no opposition at the Land Use Control Board.)

**Reports and/or Resolutions for Standing
Committees**

CHISM

Chairman, Law Enforcement
Committee

24. [Resolution by the Shelby County Board of
Commissioners to encourage the elected judges of
the Criminal Courts, General Sessions Criminal
Courts, and Civil Courts to collaborate with the
Shelby County Sheriff to develop alternate court
security arrangements that incorporate the use of
part-time retired deputy sheriffs. Sponsored by
Commissioner Wyatt Bunker. \(DEFERRED TO
8/18/08\)](#)

CHISM

Chairman, Law Enforcement
Committee

25. [Resolution approving contract with Aramark
Correctional Services, LLC in an amount not to
exceed \\$4,150,000.00 for the management and
provision of food services for the Division of
Corrections and amending the FY09 Corrections
Fund Budget. This item requires expenditure of
Corrections Funds in the amount of \\$4,150,000.00.
Sponsored by Commissioner Sidney Chism.
\(AMENDED IN COMMITTEE 7/30/08\)](#)

MALONE

Vice Chairman, Education
Committee

26. Resolution approving the Shelby County Board of Education Operating Budget for FY 2009 as adopted by the Shelby County Board of Education. Sponsored by Chairman David Lillard. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

MALONE

Vice Chairman, Education
Committee

27. Resolution of the Shelby County Board of Commissioners to request and authorize the County Attorney to explore, study and report on the employment of outside counsel and necessary public finance consultants to file suit against the State of Tennessee for fair and equitable state financing of public schools in Memphis and Shelby County. Sponsored by Commissioner Mike Ritz. (DEFERRED TO 8/18/08)

CARPENTER

Economic Development
Committee

28. Resolution encouraging all entities with the power to issue PILOT benefits to annually report to the Shelby County Board of Commissioners on their actions taken and dates thereof concerning PILOT expirations. Sponsored by Commissioner Mike Ritz. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

CARPENTER

Chairman, Conservation
Committee

29. Resolution by the Board of Commissioners of Shelby County, Tennessee, to approve the Shelby Farms Master Plan to guide improvements and enhancements to Shelby Farms Park. Sponsored by Commissioner Mike Carpenter. (AMENDED IN COMMITTEE 7/30/08)

FORD

Chairman, General Government
Committee

30. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order. Sponsored by Commissioner Joe Ford. (AMENDED IN COMMITTEE 7/30/08)

FORD

Chairman, General Government
Committee

31. Resolution by the Board of Commissioners of Shelby County, Tennessee requiring criminal, sex offender, and child support background checks for all nominees to any board, agency, or commission that are appointed and/or confirmed by the Board of County Commissioners. Sponsored by Commissioner Henri E. Brooks. (SENT FROM COMMITTEE WITHOUT RECOMMENDATION)

BROOKS

Chairman, Core City,
Neighborhoods, and Housing
Committee

32. [Resolution to amend the definition of the Design Review Committee in the resolution approved June 16, 2008 amending the policies and procedures of the Shelby County Homestead Program pursuant to Chapter 281 of the Public Acts of 1985 and as authorized by the Shelby County Mayor and the Shelby County Board of Commissioners by resolution on October 7, 1985. Sponsored by Commissioner Mike Ritz. \(Deferred to 8/18/08\)](#)

Announcements/Statements

33. Notification from County Mayor of various appointments/reappointments to Boards, Commissions, and offices of Shelby County Government. a.) Resolution approving the County Mayor's nomination of James Berg for appointment to the Shelby County Ethics Commission. This resolution is sponsored by Commissioner Joe Ford.

Adjournment

34. [Resolution of adjournment to Monday, August 11, 2008 at 1:30 p.m.](#)